

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Jarvis, et al.) Confirmation No: 9794
) Group Art Unit: 2625
Serial No.: 09/917,493)
) Examiner: Milia, Mark R.
Filed: July 27, 2001)
) Atty. Docket No.: 10010790-1
For: Dynamically Loaded Applications in)
a Printer)

REPLY BRIEF RESPONSIVE TO EXAMINER'S ANSWER

Mail Stop: Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The Examiner's Answer mailed April 3, 2007 has been carefully considered.
In response thereto, please consider the following remarks.

AUTHORIZATION TO DEBIT ACCOUNT

It is not believed that extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to deposit account no. 08-2025.

REMARKS

The Examiner has provided in the Examiner's Answer various responses to arguments contained in Applicant's Appeal Brief. Although the Examiner's Answer has added some additional remarks in response to Applicant's arguments, the substance of the rejections and the Examiner's positions have not changed. Accordingly, Applicant stands behind the arguments set forth in the Appeal Brief. In addition, Applicant addresses selected responses in the following.

The Examiner's Answer states that Applicant's arguments regarding the rejection of claims 1-5 are not persuasive. In response to Applicant's assertion that the features of claim 1 are not disclosed by *Yan* (U.S. Patent No. 6,003,065), the Examiner states "with reference to Fig. 2 of *Yan*, the executable computer program 226 is the 'application program' recited in claim 1, the virtual machine instruction processor 214 acts as the 'manager' recited in claim 1, and peripheral application programming interface (API) 228 acts as the 'agent' recited in claim 1." Page 14.

On this point, Applicant notes that *Yan* states that "the peripheral device invokes certain predetermined system calls in peripheral API 228 which in turn invokes virtual machine instructions on the virtual machine instructions processor and causes the peripheral device to operate." Col. 9, lines 43-49. Accordingly, the virtual machine instructions processor does not invoke functionality on an application program loaded on a printer, as described in claim 1. Rather, executable computer programs 226 in *Yan* access functionality associated with a peripheral device using calls to the virtual machine instructions processor and not in the manner suggested by the Examiner. See col. 9, lines 33-37.

Further, FIG. 2 of *Yan* shows an executable computer program 226 being co-located with a peripheral API 228. Therefore, the peripheral API 228 is not “remotely located” from the executable computer program 226.

It is noted, in claim 1, that an agent is remotely located from the application program. In considering the above interpretation of claim 1 provided by the Examiner, *Yan* is reported to teach an executable computer program 226 loaded on a printer, wherein a virtual machine instruction processor 214 invokes functionality on and receives results from the executable computer program 226 via a peripheral application programming interface 228 remotely located from the executable computer program 226. However, *Yan* clearly states that the “the peripheral device invokes certain predetermined system calls in peripheral API 228 which in turn invokes virtual machine instructions on the virtual machine instructions processor.” Col. 9, lines 43-49 (Emphasis added). Accordingly, the virtual machine instructions processor does not invoke functionality on the executable computer program via a peripheral application programming interface 228. Moreover, a virtual machine instructions processor on a first machine does not communicate with an executable computer program on a remotely located second machine via the peripheral application programming interface 228 of the first machine. For at least this reason, independent claim 1 and its dependent claims are allowable over the cited art. For similar reasons, claims 4-31 are allowable over the cited art.

The Answer further states that the features of claims 32-37 are disclosed by *Yan*. Page 13. The Examiner states that “*Yan* discloses a query function that can be executed by peripheral APIs 228 that determines the capabilities of a device. . . . Thus, an applet performing image, graphics, or color processing, uses resources

such as paper and toner/ink of a printing device and therefore, if information concerning the amount of paper and/or toner/ink is obtained then it can be seen that the amount of resources being utilized by the applet is attained and can be communicated to a 'remote agent', the agent being the API of the host device."

Page 14. Applicant respectfully disagrees.

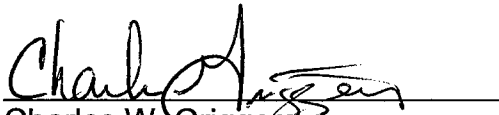
For example, claim 32 recites that an amount of resources being utilized by an applet is requested. However, *Yan* diversely describes that an applet gathers information on a peripheral device operation or "determine what areas of the peripheral device need repair." See cols. 22-23, lines 61-12. *Yan* does not teach or disclose that the amount of resources being utilized by an applet is communicated to a remote agent. For at least these reasons, independent claim 32 and its dependent claims are allowable over the cited art.

For the reasons presented herein and the reasons earlier presented in the Appeal Brief, the cited references are deficient in disclosing claimed features, and the arguments set forth in the Appeal Brief still stand. The rejection of the pending claims should be withdrawn.

Conclusion

In summary, it is Applicant's position that Applicant's claims are patentable over the applied cited art references and that the rejection of these claims should be withdrawn. Appellant therefore respectfully requests that the Board of Appeals overturn the Examiner's rejection and allow Applicant's pending claims.

Respectfully submitted,

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